

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JESSICA SMITH, et al., on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

Case No. 2:21cv194

SMITHFIELD FOODS, INC., et al.,

Defendants.

ORDER

This matter comes before the court on the Plaintiffs'¹ Motion for Conditional Certification, Expedited Opt-In Discovery, and Court-Supervised Notice to Potential Opt-In Plaintiffs ("Motion"), Memorandum in Support, and Notice, filed on September 16, 2021. ECF Nos. 50, 51, 52. Defendants, Smithfield Foods, Inc., Smithfield Packaged Meats Corp., Smithfield Fresh Meats Corp., and Smithfield Distribution, LLC, (collectively "Defendants"), filed a Response to Plaintiffs' Motion, with supporting Exhibits on September 30, 2021. ECF Nos. 55 (Response and Exs. A-O), 56 (Exs. P-VV). Plaintiffs' Reply was filed on October 8, 2021. ECF No. 60.

¹ "Although Plaintiffs allege a class made up of current and former employees, all of the representative and opt-in plaintiffs are former employees. Smith was the only current employee when this action was originally filed in April 2021, Compl. (ECF No. 1), and she separated in June 2021, approximately two months before completing her declaration, Smith Decl. ¶ 1 (ECF No. 52-1, at 1)." ECF No. 73 at 2 n.2

On October 13, 2021, this matter was referred to United States Magistrate Judge Douglas E. Miller pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motion. ECF No. 63.

The Magistrate Judge filed the Report and Recommendation ("R&R") on December 21, 2021. ECF No. 73. The R&R "concludes that Plaintiffs have failed to meet their burden to establish that the nationwide class they describe should be conditionally certified," and recommends denying Plaintiffs' Motion. Id. at 2. Plaintiffs filed Objections to the R&R on January 4, 2022, ECF No. 74, and Defendants filed a Response to the Objections on January 18, 2022, ECF No. 75.

The court, having reviewed the record in its entirety and having examined the Objections and made de novo findings with respect thereto, does **ADOPT AND APPROVE IN FULL** the findings and recommendations set forth in the thorough and well-reasoned R&R of the United States Magistrate Judge, filed on December 21, 2021. ECF No. 73.

